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PATENTAMENDMENT D (IN RESPONSE TO PAPER NO. 20050725
(FINAL OFFICE ACTION DATED 08/12/2005))REMARKS

Enclosed herein is an information disclosure statement form and list of references in conformance with 17 C.F.R. §§ 1.97 – 1.98.

Additionally, it is respectfully noted that an information disclosure statement was electronically submitted on 06/30/04. On 04/27/05, telephonic confirmation from Examiner Hussein El Chanti was received indicating that the references had been reviewed and that a signed paper by the Examiner would be forthcoming in the present Office action. However, no such paper has been received. Accordingly, it is respectfully requested that the Office issue a signed paper indicating the Examiner's review of the previously submitted references in addition to a signed paper indicating the Examiner's review of the currently submitted references.

Claims 1-36 are pending in this case. Claims 1-4, 7-11, 13-16, 19-23, 25-28 and 31-35 were amended to stress the physical nature of the originally claimed "wireless link." Accordingly, each instance of "wireless link" has been replaced with "wireless device." The aforementioned claims are believed to be merely amended as to form and should be properly entered.

Claims 13-14, 18-21 and 24 have been amended for further clarification by expressly requiring the computer program code to comprise a computer usable medium having computer readable program code (e.g., in accordance with *In re Beauregard*, 53 F.3d 1583 (Fed. Cir. 1995)). Additionally, claim 20 has been amended for further clarification by expressly reciting that the computer readable program code is executed to transmit content to the wireless device if the list of usable interface clients includes zero usable interface clients in proximity to the wireless device. Accordingly, it is believed that the claims are merely amended as to form and should be properly entered.

Claims 1-36 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication US 2001/0048449 to Baker ("Baker"). This rejection is

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respectfully traversed; it is submitted that these claims recite subject matter that is not anticipated and is patentable over Baker.

Independent Claims 1, 13 and 25

According to the Office action's "Response to Arguments," it is respectfully noted that the rejection of the claims appears to be focused on the Examiner's interpretation of "wireless link" as a conduit for wireless communication. For instance, the Office states that Baker teaches "receiving by the mobile device through a 'wireless link' a list of the chatters [sic] 'usable interface clients' that are within the geographic proximity." (P. 6, ¶ 4). However, it is respectfully submitted that the wireless link, as previously claimed, refers to a wireless device and not merely a conduit for wireless communication.

It is noted that the present written description supports this position. Moreover and notwithstanding the present amendment, Applicants note that the use of the term "wireless link" in claim 1 referred to a device. Prior to the present amendment, subpart (a) of claim 1 recited "receiving . . . a list of usable interface clients in proximity to the wireless link." In subpart (c), the claim recited "notifying the wireless link of the selected interface client." In each of these instances, it is respectfully submitted that the "wireless link" referred to a device because, among other reasons, wireless communication conduits are not generally used to gauge the proximity of devices and because wireless conduits alone are not generally capable of being notified of decisions or selections in a process. In contrast, wireless conduits generally act as mere information paths over which data is sent from a first point to a second point without regard for the content. In order to advance prosecution, however, the claims have been amended such that each instance of the term "wireless link" has been replaced with the term "wireless device."

With respect to claim 1, the relevant remarks made in the previously filed response dated 06/23/05 are respectfully repeated. Turning to subpart (a) of claim

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1, it is noted that the claim requires, among other things, a method for facilitating interface roaming comprising "receiving by an infrastructure server from a wireless device a list of usable interface clients in proximity to the wireless device." While the Office action cites the Abstract and ¶ 0092 as teaching this claimed limitation, it is respectfully submitted that Baker teaches a system where the flow of information is from the system server to the user and not from a wireless device to an infrastructure server. Thus, neither portion of Baker anticipates the claimed subject matter.

With respect to the Abstract, Baker merely teaches that the system (i.e., one or more servers, FIGs. 1, 7, element 30) ascertains personal compatibility among users and automatically notifies the users via e-mail or other electronic notification if a favorable compatibility has been determined. In other words, a system server utilizes user information to determine which users are compatible with one another. The user information is input by the users or generated automatically based on various psychological tests prior to this determination. (*See e.g.*, ¶¶ 0070-0072, 0086, 0088). Although users may individually operate a wireless device such as a PDA, the users themselves do not provide a list of compatible chatters or a list of usable interface clients. Instead, Baker teaches a system where the server makes a compatibility determination regarding the desirability of allowing two or more users to interact in a chat room. Because the system server in Baker does not receive from a wireless device a list of usable interface clients in proximity to the wireless device, the Abstract does not anticipate or even suggest the claimed subject matter.

With respect to ¶ 0092, Baker discloses a paging method to facilitate direct communication (talking directly to a person after the person is identified with the paging process). (*See p. 8*, ¶¶ 0090, 0094). This portion of Baker requires the system server to use database records and global position systems (GPS) or other similar devices to monitor users and determine the proximity of users. (p. 8, ¶

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0090). When users are "nearby," the system server notifies the otherwise unsuspecting users of another user's presence using a paging technique such as displaying information on a user's PDA. (p. 8, ¶ 0090). Similar to the teachings elsewhere in Baker, the system server determines the proximity of users and generates the list of compatible/proximate users for display on a user device. Because the system server in Baker does not receive from a wireless device a list of nearby users or a list of usable interface clients in proximity to the wireless device, ¶ 0092 also fails to anticipate or even suggest the claimed subject matter.

In summary, both the Abstract and ¶ 0092 of Baker teach a system server that identifies, monitors and notifies unsuspecting users. In one instance, users log into a chat room server to indicate their presence. In a second instance, users are constantly tracked by the system server using tracking systems such as GPS. In both cases, users are unaware of other users when logging into the system or being tracked. After the system determines compatibility (in the first instance) or proximity (in the second instance) a list is generated by the system server of other users and sent to the users. In contrast to these teachings and putting aside other differences, the claims incorporate a system where the flow of data is in the opposite direction.

For the aforementioned reasons, immediate allowance of claim 1 is earnestly solicited. Independent claims 13 and 25 are directed toward a computer program and system, respectively, for facilitating user interface roaming and contain the same or similar subject matter as that listed in claim 1. For the reasons disclosed hereinabove, claims 13 and 25 are submitted as allowable over Baker.

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PATENTAMENDMENT D (IN RESPONSE TO PAPER NO. 20050725
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The applicable remarks above are respectfully restated and incorporated herein by reference with respect to dependent claims 2-12, 14-24 and 26-36. It is respectfully submitted that claim 2 depends from allowable claim 1 and contains further novel and nonobvious patentable subject matter. For instance, no portion of Baker appears to teach using the wireless device to determine usable interface clients in proximity thereto upon activation thereof. In fact, the cited portion of Baker appears to teach the opposite. Whereas Baker teaches that the system server uses GPS or other technology to determine the proximity of users, the claimed subject matter expressly requires the wireless device to determine whether interface clients are in proximity thereto. For at least this reason, claim 2 is believed to be in proper condition for allowance. Claims 14 and 26 correspond to the computer code and system claims and contain the same or similar subject matter as that recited in claim 2. For these reasons, claims 14 and 26 are also submitted as allowable over Baker.

Claims 3-12, 15-24 and 27-36 also depend from allowable claims 1, 13 and 25. Additionally, it is respectfully submitted that the aforementioned claims contain novel and otherwise nonobvious patentable subject matter. Accordingly, claims 3-12, 15-24 and 27-36 are also in proper condition for allowance.

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Conclusion

Claims 1-36 remain pending in this case. Based upon the foregoing remarks, it is respectfully submitted that these claims are allowable, and reconsideration and early allowance of these claims are requested.

Respectfully submitted,

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